

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 5th, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
 54111 BROUGHTON ROAD
 MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
 DEAN AUSILIO, VICE-CHAIRMAN
 MICHAEL D. KOEHS, SECRETARY
MEMBERS: JOA PENZIEN
 CHARLES OLIVER
 ARNOLD THOEL
 DEBORAH ZOLNOSKI

ABSENT: NONE

ALSO PRESENT: Jack Dailey, Community Planning Consultant
 Lawrence Dloski, Township Attorney
 (Additional attendance on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE.

1. Roll Call.

Clerk KOEHS called the roll call. All Members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by AUSILIO seconded by THOEL to approve the agenda as presented.

MOTION carried.

3. Approval of the March 15, 2005 previous Meeting Minutes

MOTION by THOEL seconded by KOEHS to approve the March 15, 2005 previous Meeting Minutes.

MOTION carried.

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AGENDA ITEMS:

4. **Preliminary Site Condominium Plan; Becher Estates; (Tabled from the March 1, 2005 PC Meeting);** Located on the north side of Marseilles Drive, 1/3 mile north of 22 Mile Road. Marseilles Development, LLC. Permanent Parcel No. 08-21-376-001 & 08-21-326-001

Jack Dailey, Community Planning Consultant, described the location of the proposal and the reasons why the matter was previously tabled; for further review of the continuation of Marseilles Drive. Mr. Dailey reviewed the recommendation for denial.

Lawrence Dloski, Township Attorney, suggested that the Planning Commission recommend approval with stipulations. Further, that the Planning Consultants recommendation for denial is illegal and described the reasons.

Mr. Dailey suggested that if the Planning Commission's recommendation is for approval, then the approval be pursuant to fulfilling the standard conditions for Preliminary Site Condominium Plan development.

Petitioner Present: Roy Sera and Jeff Rizzo representative

Public Portion: Township residents addressed their concerns regarding the use of Marseilles Drive for construction traffic, the condition of Marseilles Drive and traffic concerns.

MOTION by AUSILIO seconded by OLIVER to forward the recommendation to the Township Board of Trustees to approve the Preliminary Site Condominium Plan; Becher Estates, pursuant to the recommendation of legal counsel, specifically finding that it is not possible for the proprietor to comply with the Township Land Division Ordinance Section 17-132(c). That the proprietor cannot comply with the Township provisions regarding half streets since there is no satisfactory assurance or dedication of the remaining part of the street (*Marseilles Drive*). That the proprietor construct the improvements except the permanent roadway, that is required in the right of way and provide a bond for the cost to construct half of the permanent road. Further, that the proprietor dedicates to the Township the right of way located on the subject property and erect a gate barrier at the end of Marseilles Drive once construction is completed. Permanent Parcel No. 08-21-376-001 & 08-21-326-001. This motion is pursuant to the recommendation of legal counsel and based on the Planning Consultants standard conditions as follows:

1. **The petitioner shall prepare and submit engineering plans to the Township Engineer for the required approvals from the following agencies in**

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compliance with the State Condominium Act and Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:.

- a. Macomb County Road Commission**
 - b. Office of Public Works Commission of Macomb County**
 - c. Macomb County Health Department**
 - d. Macomb County Planning Commission**
 - e. Michigan Department of Environmental Quality**
 - f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
- 2. The Township Engineer approves all engineering plans for the computed plan.**
 - 3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
 - 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the preliminary plan approval be met.**
 - 5. That all public street drain crossings within the boundaries of the development shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.**
 - 6. That all sites meet the requirements of the Township Zoning Ordinances.**
 - 7. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further the MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
 - 8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**

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9. That the unrecorded Master Deed be approved by the Township Attorney and Township Assessor prior to acceptance of the Final Plan Application.
10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plan. That the petitioner submits (2) copies of the plan to the Supervisors office for addressing. Addresses will be assigned after final plan approval by the Township Board.
11. That the landscape areas be identified as a common area in the Master Deed. Further, that a bond in the amount to be determined by the Township Consulting Engineer be posted. The bond shall be posted prior to receiving construction permits from the Water/Sewer Department. There is no requirement for a landscape easement in subject development.
12. That the preliminary approval expires one year from the date of Township board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any request for extension must be received by this office prior to the expiration date.
13. If a 'phasing plan' has not been submitted it is assumed that this plan will be developed in one phase. Please be advised that any revisions to the phasing plan for this plan must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Preliminary Plan as a Revised Preliminary Plan.
14. The developer will be required to construct the improvements, excluding the permanent road, which is required in the right-of-way owned by the developer, that will be dedicated to the RCMC including, but not limited to, sidewalks, curbs, temporary gates or barriers etc.
15. The developer must post a cash bond with the Township for construction of the developer's half of the Marseilles Drive extension.

MOTION carried.

5. **Revised Site Plan; Hall Road Office Buildings;** Located on the north side of Hall Road approximately ¼ mile west of Romeo Plank Road. Dr. Russell Craig, Petitioner. Permanent Parcel No. 08-32-400-013

Jack Dailey, Community Planning Consultant, described the location of the proposal, surrounding property zones and the recommendation for approval pursuant to fulfilling the standard conditions as related to this request.

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Petitioner Present: Nathan Robinson and Philip Leone

Public Portion: A Township resident addressed concerns relating to the location of the proposed separating wall, issues regarding the location of gas lines and concerns pertaining to standing water on the site.

The Members of the Planning Commission addressed their concerns regarding standing water on the site. Mr. Leone agreed to continue to pump the water out from the basement excavation and completely fence the area.

Lawrence Dloski, Township Attorney, reviewed and commented on the requirement to provide a 40' greenbelt. His comments on this matter are also applicable to agenda item number 12. Mr. Dloski reviewed the law in the State of Michigan: that ordinance amendments are not given retroactive effect and that requiring this improvement pursuant to the ordinance amendment would destroy vested rights. Vested rights are obtained by receiving site plan approval, applying for and obtaining a building permit and starting substantial construction. The proprietors for both agenda item numbers 5 & 12 have vested rights.

MOTION by KOEHS seconded by ZOLNOSKI to approve the Revised Site Plan; Hall Road Office Buildings, conditioned on enclosing and fencing the areas involved with standing water on the site as a result of basement excavations. Permanent Parcel No. 08-32-400-013. This motion is pursuant to fulfilling the Planning Consultants standard conditions as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

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4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount to be approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations

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13. **MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**
14. **That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.**
15. **That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.**
16. **That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.**
17. **That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
18. **That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**
19. **That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.**
20. **That if the matter being considered is a revised site plan or technical change, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.**
21. **That all requirements of the Zoning Ordinance be met.**

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22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no light or glare from lights will shine into the abutting residential areas.
24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

25. A second dumpster area was required to the rear of Building B. Therefore, revised plans must be submitted to reflect the reduction of the double dumpster along the west and the second dumpster on the east property line.
26. The Township Attorney offered a verbal opinion that a 40 foot greenbelt is not required as a result of the revised site plan since it would destroy vested rights secured by the original approval and resultant construction
27. That the two walls along the north property line be tied together with a gate or left open for access to the greenbelt for maintenance. An indication must be made on the plans.

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28. That no openings be provided along the north elevations of the building in accordance with the requirements of the zoning ordinance. Notations must be made on the site plan to this effect.

Based on the approval granted by the Township Planning Commission on April 5, 2005, your final engineering plans may be submitted to the Township Water and Sewer Department.

Upon receipt of the following the Building Department and Water/Sewer Department will be notified that construction and building permits may be issued:

- Notification from the Township Consulting Engineer that the engineering plans have been approved.
- That the required bond as indicated in item no. 8 above has been posted.
- That revised site plans be submitted as indicated in items 25, 27 and 28 above

A site plan approval shall be valid for one year after the date of approval. If a valid building permit has not been obtained and construction started within one (1) year from the Planning Commission approval of April 5, 2005, the approval becomes null and void unless renewed or extended by a specific Planning Commission action. If approval is not extended before April 5, 2006, then a new application and a new approval shall be required before a building permit may be issued.

MOTION carried.

6. **Tentative Preliminary Plat; River Pointe Subdivision (33 lots);** Located on the north side of 25 Mile Road approximately 1,500 feet east of Hayes Road.
Andrew Eskelinen, Petitioner. Permanent Parcel No. 08-06-300-030

Jack Dailey, Community Planning Consultant, described the location of the proposal, surrounding property zones and the recommendation for approval pursuant to fulfilling the standard conditions as related to this request.

Petitioner Present: Mark Simpson accompanied by Andrew Eskelinen

Public Portion: None

MOTION by KOEHS seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; River Pointe Subdivision (33 lots), contingent on either removal on lot 33 existing buildings or that a variance be granted from the Zoning Board of Appeals prior to the receipt for Final Preliminary Plat application. Further, that all access to lot 33 must be provided from Clinton Avenue. There shall be no access from lot 33 to 25 Mile Road upon completion of the 20 foot landscape easement. Permanent Parcel No. 08-

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06-300-030. This motion is pursuant on fulfilling the Planning Consultants standard conditions as follows:

- 1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:**
 - a. Macomb County Road Commission**
 - b. Office of Public Works Commission of Macomb County**
 - c. Macomb County Health Department**
 - d. Macomb County Planning Commission**
 - e. Michigan Department of Environmental Quality**
 - f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval shall be incorporated into the Final Preliminary Plat.**
- 5. That all public street drain crossings within the boundaries of the Tentative Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.**
- 6. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
- 7. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**

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8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the “20 ft. common area for landscaping purposes” be developed in accordance with the provisions of the Land Division Ordinance of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.
10. That a bond in an amount determined by the Township Consulting Engineer be posted assuring the development of the ‘Landscape Easement.’ The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.
11. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.
12. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
13. That the petitioner submits two (2) copies of the restrictive covenants that will be recorded with the plat. Said covenants must include an article to provide the perpetual maintenance of all limited common that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.
14. If a ‘phasing plan’ has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.

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15. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

16. That the structures located on proposed lot 32 must be removed to the satisfaction of the Township Building Division prior to the acceptance of the application for Final Preliminary Plat.
17. With respect to lot 33; the existing buildings must either be removed or a variance received from the Zoning Board of Appeals prior to receipt of the application for Final Preliminary Plat. Further, that all access to lot 33 must be provided from Clinton Avenue. There shall be no access from lot 33 to 25 Mile Road upon completion of the 20 foot landscape easement.

MOTION carried.

7. **Temporary Builder Sign; Middlecreek Estates Subdivision;** Located on the north side of 22 Mile Road east of Romeo Plank Road. Sandro Palazzolo, Petitioner. Permanent Parcel No. 08-21-352-003

Jack Dailey, Community Planning Consultant, described the location of the proposal, surrounding property zones and the recommendation for approval pursuant to fulfilling the standard conditions as related to this request.

Petitioner Present: Sandro Palazzolo

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Public Portion: None

MOTION by OLIVER seconded by ZOLNOSKI to approve for one year the Temporary Builder Sign; Middlecreek Estates Subdivision; Located on the northwest corner of 22 Mile Road and Kilkenny Drive. Further, this motion is contingent on that the sign must set back 10' from the 22 Mile Road right of way and 15' from the Kilkenny Drive right of way. Permanent Parcel No. 08-21-352-003. This motion is pursuant to fulfilling the Planning Consultants standard conditions as follows:

1. **That Section 10.0319 of the Zoning Ordinance be met.**
2. **That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**

The Consultant suggests that a \$500.00 bond be posted assuring the construction of a sign as approved. Upon receipt by the petitioner for a final inspection and subsequent approval by the Building Department the bond can be released.

MOTION carried.

8. **Temporary Builder Sign(s); Wolverine Country Club; Located on the north side of 25 Mile Road between Romeo Plank and Luchtman Roads. Simone Mauro, Petitioner. Permanent Parcel No. 08-05-400-028**

Jack Dailey, Community Planning Consultant, described the location of the proposal, surrounding property zones and the recommendation for approval pursuant to fulfilling the standard conditions as related to this request.

Petitioner Present: Patrick O'Brian

Public Portion: None

MOTION by ZOLNOSKI seconded by KOEHS to approve for one year the Temporary Builder Sign(s); Wolverine County Club Subdivision; Located on the northwest corner of 25 Mile and Luchtman Roads and at the entrance of the subdivision from 25 Mile Road (approximately ½ mile west of Luchtman Road). Further both signs must be outside the clear vision zone, 10' from the major roads and 15' from the local street. Permanent Parcel No. 08-05-400-028. This motion is pursuant to fulfilling the Planning Consultants standard conditions as follows:

1. **That Section 10.0319 of the Zoning Ordinance be met.**

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2. That a \$500.00 cash bond(s) be posted assuring the construction of the sign(s) as approved.

The Consultant suggests that a \$500.00 bond(s) be posted assuring the construction of a sign(s) as approved. Upon receipt by the petitioner for a final inspection and subsequent approval by the Building Department the bond can be released.

MOTION carried.

9. **Temporary Builder Sign; Buckingham Village Subdivision No. 2;** Located on the south side of 23 Mile Road east of Heydenreich Road. GTR Builders, Petitioner. Permanent Parcel No. 08-22-100-020

Jack Dailey, Community Planning Consultant, described the location of the proposal, surrounding property zones and the recommendation for approval pursuant to fulfilling the standard conditions as related to this request.

Petitioner Not Present: Chris Cousino, representative on behalf of GTR Builders, contacted the Clerks Department a week prior to inform the Planning Commission of his absence.

Public Portion: None

MOTION by KOEHS seconded by AUSILIO to approve for one year the Temporary Builder Sign; Buckingham Village Subdivision No. 2, contingent on the resolution of the Heydenreich Road right-of-way to this subdivision from 23 Mile Road be resolved. Permanent Parcel No. 08-22-100-020. This motion is pursuant to fulfilling the Planning Consultants standard conditions as follows:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.

The Consultant suggests that a \$500.00 bond be posted assuring the construction of a sign as approved. Upon receipt by the petitioner for a final inspection and subsequent approval by the Building Department the bond can be released.

MOTION carried.

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10. **Temporary Builder Sign; Brook Run South Subdivision;** Located on the south side of 22 Mile Road east of Romeo Plank Road. GTR Builders, Petitioner.
Permanent Parcel No. 08-28-101-011

Jack Dailey, Community Planning Consultant, described the location of the proposal, surrounding property zones and the recommendation for approval pursuant to fulfilling the standard conditions as related to this request.

Petitioner Not Present: Chris Cousino, representative on behalf of GTR Builders, contacted the Clerk's Department a week prior to inform the Planning Commission of his absence.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to approve for one year the Temporary Builder Sign; Brook Run South Subdivision. Permanent Parcel No. 08-28-101-001. This motion is pursuant to fulfilling the Planning Consultants standard conditions as follows:

1. **That Section 10.0319 of the Zoning Ordinance be met.**
2. **That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**

The Consultant suggests that a \$500.00 bond be posted assuring the construction of a sign as approved. Upon receipt by the petitioner for a final inspection and subsequent approval by the Building Department the bond can be released.

MOTION carried.

11. **Land Division Variance; Strathmore Condominiums Phase I;** Located on the south side of 26 Mile Road approximately 1050 feet east of Luchtman Road.
Pulte Homes, Petitioner. Permanent Parcel No. 08-04-100-029

Jack Dailey, Community Planning Consultant, described the location of the proposal, surrounding property zones and the recommendation to approve the variance request for the development of the landscape easement subject to the standard conditions of the Township including the installation of the greenbelt be completed by June 1, 2005. Further, he explained the recommendation that the second request regarding engineering development issues be rejected.

Petitioner Present: Kevin Christiansen and John Thompson

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Mr. Christiansen requested that the variance request for the development of the landscape easements be withdrawn.

Public Portion: None

MOTION by PENZIEN seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Land Division Variance; Strathmore Condominiums Phase I for site improvements contingent on to allow the petitioner to apply for model permits prior to the completion of improvements subject to the following conditions: That construction should be for model units only. That the units shall not be occupied for any purpose, including sales, until all improvements are completed to the satisfaction of the Township Engineer and that a performance bond be posted to guarantee completion of said improvements. Permanent Parcel No. 08-04-100-029. This motion is pursuant on fulfilling the Planning Consultants standard conditions as follows:

That Section 17-114 be granted allow the petitioner to apply for model permits prior to the completion of improvements subject to the following conditions:

- **That construction should be for model units only**
- **That units shall not be occupied for any purpose, including sales, until all improvements are completed to the satisfaction of the Township Engineer.**
- **That a performance bond shall be posted to guarantee completion of said improvements.**

OR THIS MOTION: PENZIEN, AUSILIO, THOEL, KOEHS

OPPOSED: OLIVER, GALLAGHER

ABSTAINED: ZOLNOSKI

MOTION carried.

12. **Revised Site Plan; Romeo Plank Crossing;** Located on the southeast corner of Romeo Plank Road and 23 Mile Road; Morelli Investments, Petitioner. Permanent Parcel No. 08-20-200-046.

Jack Dailey, Community Planning Consultant, described the location of the proposal and surrounding property zones. Further, that the recommendation of the Planning Consultant has changed from denial to approval based the Township Attorney's comments pertaining to the 40' greenbelt. Further, if the recommendation of the Planning Commission is for approval, that the approval be pursuant to fulfilling the standard conditions. *(The comments of Lawrence Dloski, Township Attorney, comments are listed with agenda item number 5)*

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Petitioner Present: David Morelli

Public Portion: None

MOTION by OLIVER seconded by ZOLNOSKI to follow the Planning Consultants recommendation and approve the Revised Site Plan; Romeo Plank Crossing; Permanent Parcel No. 08-20-200-046. This motion is pursuant to the Planning Consultant's recommendations as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If

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additional dumpsters are to be located on the site, each must be enclosed in like manner.

- 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount to be approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed with two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**
- 9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.**
- 10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).**
- 11. That all signs be designated on the site plan and meet the Township requirements.**
- 12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.**
- 13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**
- 14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.**

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15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That if the matter being considered is a revised site plan or technical change, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
21. That all requirements of the Zoning Ordinance be met.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of each use within the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no light or glare from lights will shine into the abutting residential areas.
24. That the plan be revised to eliminate any reference to the sign.
25. The Township Attorney offered a verbal opinion that a 40 foot greenbelt is not required as a result of the revised site plan since it would destroy vested rights secured by the original approval and resultant construction.

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26. That the engineering plans note the construction of the pedestrian bridge across the river.

Based on the approval granted by the Township Planning Commission on April 5, 2005, your final engineering plans may be submitted to the Township Water and Sewer Department.

Upon receipt of the following the Building Department and Water/Sewer Department will be notified that construction and building permits may be issued:

- Notification from the Township Consulting Engineer that the engineering plans have been approved.
- That the required bond as indicated in item no. 8 above has been posted.
- That revised site plans be submitted as indicated in item 24 above or notations made striking reference to the ground sign or submitted plans.

A site plan approval shall be valid for one year after the date of approval. If a valid building permit has not been obtained and construction started within one (1) year from the Planning Commission approval of April 5, 2005, the approval becomes null and void unless renewed or extended by a specific Planning Commission action. If approval is not extended before April 5, 2006, then a new application and a new approval shall be required before a building permit may be issued.

MOTION carried.

PLANNING CONSULTANTS COMMENTS: None

PLANNING COMMISSION COMMENTS: None

13. Motion to receive and file all correspondence in connection with this agenda.

MOTION by OLIVER seconded by KOEHS to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT:

MOTION by AUSILIO seconded by PENZIEN to adjourn the meeting at 8:35 p.m.

MOTION carried.

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Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb